

In re patent application of:

Ronald P. Sansone et al.

Serial No.: 09/316,795

Filed: May 21, 1999

Title: **VIRTUAL POST OFFICE BOX**



) Attorney Docket No.: E-846

) Group Art Unit: 2161

) Examiner: H. Sough

) Date: March 8, 2002

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APPELLANTS' BRIEF

Board of Patent Appeals and Interferences

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on January 22, 2002.

This Brief is transmitted in triplicate.

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I REAL PARTY IN INTEREST

Pitney Bowes Inc. is the real party in interest.

II RELATED APPEALS AND INTERFERENCES

There are no related Appeals and Interferences

III STATUS OF CLAIMS

- a) Claims 1 and 6 - 22 are in the application.
- b) Claims 1 and 6 - 22 are rejected.
- c) Claims 1 and 6 - 22 are on appeal.

IV STATUS OF AMENDMENTS

An amendment subsequent to the October 23, 2001, Final Rejection was filed on December 3, 2001. This amendment was not entered.

V SUMMARY OF THE INVENTION

A. Background

The prior art does not provide for a method to deliver mail that is addressed to a recipient virtual post office box and is delivered directly to the recipient.

Ever since the numeric codification of streets and buildings received general acceptance, an individual's name and household postal address have been linked. The sender of a letter or package would deliver a letter or package to the post that had the correct recipient postal address, and the post would deliver the letter or package to the numeric street address of the recipient of the letter or package. A correct recipient postal address for the delivery of the letter or package to the recipient included: the name of the recipient; the street address

of the recipient; the city and state of the recipient; and the zip code of the recipient. Thus, the correct recipient postal address is usually the actual location of the recipient.

The post also delivers letters and packages to post office boxes. A post office box is a locked receptacle, located at a specific post office, where the box has been assigned to a specific recipient so that correctly addressed letters and packages may be delivered to the box by the post and be removed by the recipient. A correct recipient post office box address for the delivery of the letter or package to the recipient's post office box included: the name of the recipient; the number of the post office box of the recipient; the city and state where the recipient's post office box is located; and the zip code of the post office where the recipient's post office box is located.

One of the reasons why recipients of letters and packages rent post office boxes is that the recipient does not want the sender of the letter or package to know the actual location of the recipient. The above reason for having post office boxes has increased dramatically in the past few years, because many people are conducting business from their homes, and do not want certain senders of letters and packages to know the location of their homes. Thus, there has been a tremendous increase in the use of post office boxes. Consequently, the post at certain post offices is experiencing a shortage of post office boxes.

A disadvantage of the prior art is that renters of post office boxes have to go to the post office where the post office box is located to receive their letters and packages. Thus, the owners of business have to leave their home and others are expending additional time to retrieve their letters and packages.

Another disadvantage of the prior art is that if renters of post office boxes do not remove their letters and packages before the post office box is full, the post has to specially handle the excess letters and packages.

A further disadvantage of the prior art is that post office boxes consume a large amount of space at post offices.

An additional disadvantage of the prior art is that when the renter of a post office box goes to a different location, i.e., on vacation, there is no mechanism for redirecting the letters and packages located in the post office box to the different location.

B. Appellants claim a method to deliver mail that is addressed to a recipient's virtual post office box to be delivered directly to the recipient.

This invention overcomes the disadvantages of the prior art by providing a method that enables the post to deliver letters, flats, post cards and packages (mail) addressed to a recipient's virtual post office box to be delivered directly to the recipient. The invention enables individuals or entities to rent a virtual post office (VPO) box i.e., a box that does not physically exist, from the post. Mail addressed to the virtual post office box would be captured by the post during the post's sortation process and rerouted to the specified address of the renter of the virtual post office box.

An advantage of this invention is that a renter of a virtual post office box may receive mail at a specified location, while parties who send mail to the virtual post office box will not know the specified location.

An additional advantage of this invention is that mail can be easily redirected from one specified location to another specified location.

A further advantage of this invention is that virtual post office boxes do not take up any space and an unlimited number of boxes may be issued.

The foregoing objectives are realized by the present invention, which includes a method for forwarding mail by a post that is addressed to a recipient at a virtual post office box to be directly to the recipient.

Fig. 3B is a drawing of a mail piece addressed to a virtual post office (VPO) box in which the post has indicated the actual delivery address of the mail piece. Mail piece 36 has a sender address field 37 and material 38 that indicates the payment of the postage for mail piece 36. Material 38 may be a postal

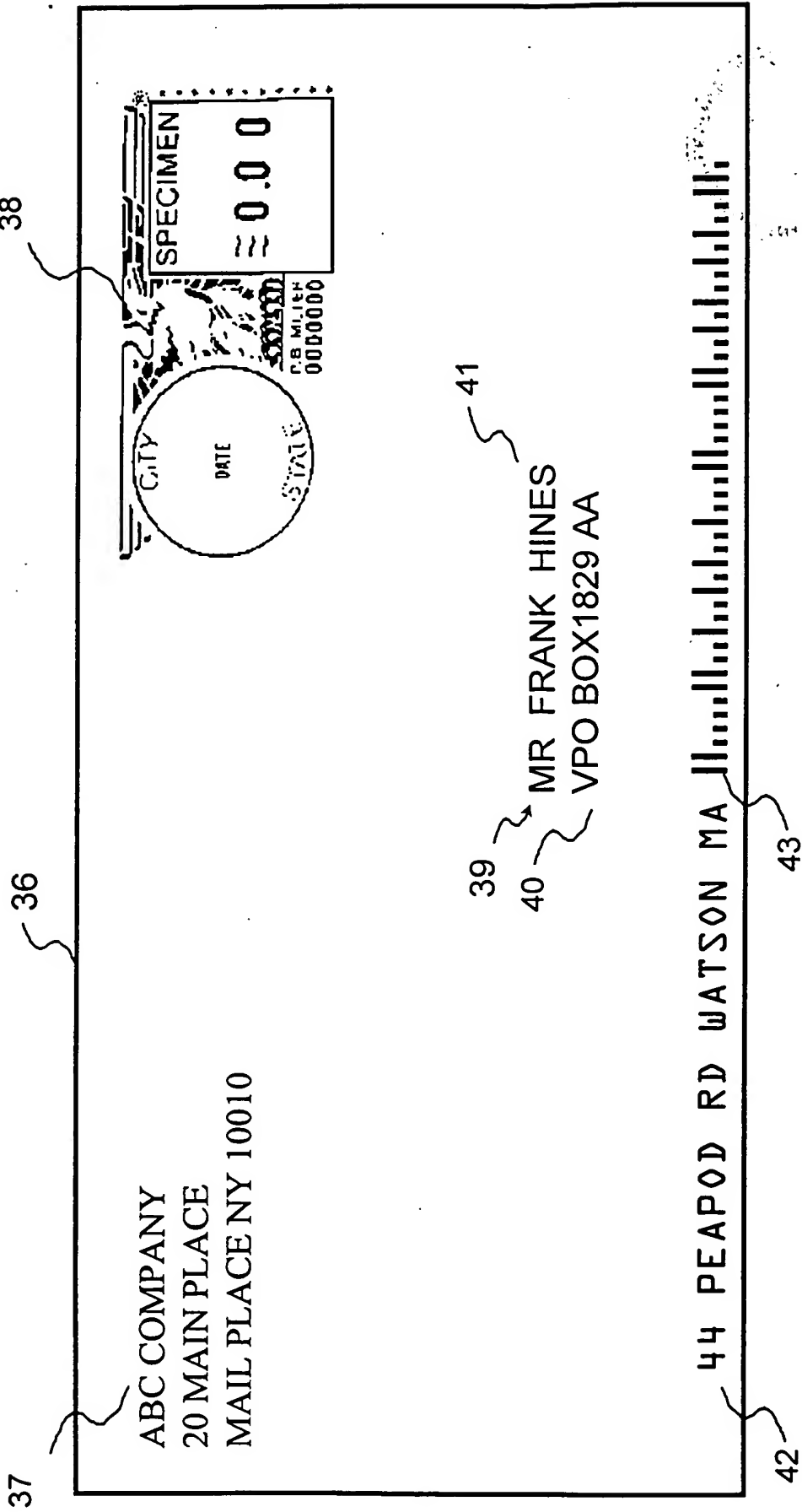


Fig. 3B

indicia, postal permit or one or more stamps. The recipient address field 39 will include the designation 40 for a virtual post office box and the box number, i.e., VPO etc., and the number of the virtual post office box and the person or entity 41 to whom mail piece 36 is sent. The post will print the actual delivery address 42 to which the lessee of the virtual post office box wants mail piece 36 delivered. The post will also print a posnet bar code 43 on the face of mail piece 36. Bar code 43 represents delivery address 42 in a coded form.

Mail that has been scanned by postal bar code sorter 12 and mail that has been scanned by scanners 13 and 14 (Fig. 1) will be checked by virtual post office box data center 75 (Figs. 1 and 2) if scanners 12, 13 or 14 detect a virtual post office box in the recipient address field of the mail, i.e., VPO Box 182945AA, or scan a virtual post office box in the bar code affixed to the mail by the mailer. Virtual post office box data center 75 contains a virtual post office name/address relational data base 68 (Fig. 4). Data base 68 will use the virtual post office box number to determine the actual destination that the recipient wants the mail delivered to. The foregoing may be accomplished by looking up the virtual post office box in data base 68 and determining the address that the owner of the virtual post office box wanted their mail forwarded. Data base 68 supplies information to sorters 12, 13 and 14 and re-coder 18 via computer 54 (Fig. 4) so that sorters 12, 13 and 14 and re-coder 18 will place a bar code 43 (Fig 3B) on the mail that indicates the zip code that the owner of the virtual post office box wants their mail forwarded. Sorters 12, 13 and 14 and re-coder 18 will also print the street, city and state (actual delivery address 42) that the owner of the virtual post office box wants their mail forwarded in human readable form.

VI ISSUES PRESENTED FOR REVIEW

A. Whether or not claims 1 and 6 -21 are patentable under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

B. Whether or not claims 6 and 7 are patentable under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

C. Whether or not claims 8 –10 are patentable under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

D. Whether or not claims 12 - 13 are patentable under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

E. Whether or not claims 15 -21 are patentable under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

F. Whether or not claim 22 is patentable under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403) and further in view of Allen, et al. (U.S. Patent No. 5,422,821).

VII GROUPING OF CLAIMS

A. Claims 1 and 6 -21 stand or fall together with regards to the rejection under 35 USC §103(a).

Claims 6 and 7 stand or fall together with regards to the rejection under 35 USC §103(a).

B. Claims 8 -10 stand or fall together with regards to the rejection under 35 USC §103(a).

C. Claims 12 -13 stand or fall together with regards to the rejection under 35 USC §103(a).

D. Claims 15-21 stand or fall together with regards to the rejection under 35 USC §103(a).

E. Claim 22 stands or falls with regards to the rejection under 35 USC §103(a).

VIII ARGUMENTS

A. **Claims 1 and 6 -21 have been rejected by the Examiner under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).**

Boies discloses the following in column 2, lines 11-22:

“The method used in this invention is to employ a third party vendor to supply a unique identifier to the customer that maps to the customer’s name and address in a database owned by the third party. The personal identifier is a multi-digit numeric or alphanumeric code assigned to a customer, as indicated at **10**. This code is an accepted field by the vendor **12** that is used for shipping purposes. The shipper **14** is the creator and custodian of the codes. It generates a unique code for each customer, which code is associated with the customer’s full shipping address and, optionally, the customer’s name, permitting shipment to be made to the customer **16**.”

In other words, Boies’ customer receives a customer number that is assigned by the shipper of the goods **14**. Boies’ customer would give the customer number to the seller of the goods to remain anonymous. The seller, in turn, would give the customer number to the shipper with the goods. Then the shipper would obtain the customer’s address from the customer number.

Boies is not verifying in one or more data bases that recipient’s name is listed with recipient’s desired delivery address. For instance, when the customer gives the seller the customer number which may contain many alphanumeric characters, the customer may communicate with the seller over the telephone and give the seller the incorrect customer number, or the seller may copy the

customer number incorrectly. The seller may also give the incorrect customer number. Thus, the goods may be delivered to the wrong party.

Allum et al. discloses the following in his abstract:

"Mail can be sorted automatically to point of delivery level by deriving from the address including postal code on a piece of mail a suffix which together with the postal code forms routing data which uniquely identifies the final delivery address. This is achieved automatically at the Post office sorting facility by means of an optical character reader which reads the addresses on mail items and a computer arranged to generate a suffix based on the address read. The routing data is printed as a bar code on the mail item and this allows the complete sortation to be effected automatically. Also contemplated is a progressive encoding system which can be applied as bar codes by customers as desired to mail pieces. The basic data is the routing data set to which can be added a shipment number which allows automatic revenue accounting control and a piece number which allows automatic track and trace. Finally, the customer may also progressively encode return mail envelopes with the shipment number followed by a product code and a user defined field which permits automatic specialized handling of the return mail item."

The bar code disclosed by Allum in Figs. 7 and 8 is nothing more than the Canadian equivalent of the United States Postal Service's post net bar code. The post net bar code allows postal sorting equipment to sort mail pieces to recipient's building. In many areas, office buildings and apartment houses contain many occupants. Thus, without the recipient's name, the letter carrier would not know which occupant should receive the mail piece.

Neither Boies et al. nor Allum et al., taken separately or together, discloses or anticipates the invention claimed by Applicants in claim 1 and those claims dependent thereon. The cited references do not disclose or anticipate the steps of verifying in one or more data bases that recipient's name is listed with

recipient's desired delivery address and placing recipient's desired delivery address on mail in coded form and human-readable form. The foregoing insures that the mail could be delivered to the recipient.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *in re Lunsford*, 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *in re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *in re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *in re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. *In re Ochiai*, supra; *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *in re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

B. Claims 6 and 7 have been rejected by the Examiner under 35 U.S.C. §103(a) under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

The Examiner stated the following on Page 4 of the October 23, 2001, Final Rejection:

Re claim 7: Boies does not explicitly disclose the changing step that further includes recipient specifies the time period in which mail is going to be delivered to the desired delivery address. However, it is old and well-known practice to specify the time period in which mail is going to be delivered to the

changed delivery address (i.e., when someone is on vacation, it has been a common practice to notify the post office to reroute the mail to a next door neighbor or hold until the person comes back from the vacation), and nothing unobvious is seen to have been involved simply having employed this old and well-known practice for the claimed method to facilitate the mail delivery.

It is true that the post office holds mail while someone is on vacation or forwards mail to the recipient. However, the post office only delivers mail addressed to a post office box to the recipient's post office box. The post office does not deliver mail addressed to a post office box recipient to the recipient's desired delivery address or allow the recipient to change its desired delivery address during specified periods of time.

The post office also does not determine recipient's desired delivery address from the virtual post office box identification and recipient's name; verify in one or more data bases that recipient's name is listed with recipient's desired delivery address and place recipient's desired delivery address on mail in coded form and human readable form on the mail.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *in re Lunsford*, 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *in re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *in re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *in re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole.

In re Ochiai, supra; *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *in re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

- C. **Claims 8-10 have been rejected by the Examiner under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).**

The Examiner stated the following on Page 4 of the October 23, 2001, Final Rejection:

Re claims 8, 9 and 10: Boies does not explicitly disclose the step of billing for the number of times (or metering) recipient's changed their desired delivery address. However, it is a fundamental practice to charge any viable services including the claimed service in the art to obtain higher profit. Thus, it would have been within the level of ordinary skill in the art to employ this fundamental practice to the claimed method to increase the profit.

The Examiner has not cited any art in the context of the claimed invention that shows that it would be obvious to bill for the number of times recipient's changed their desired delivery address (claim 8); meter the number of times recipient's desired delivery address was determined (claim 9) or bill for the number of times recipient's desired delivery address was determined (claim 10).

- D. **Claims 12 - 13 have been rejected by the Examiner under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).**

The Examiner stated the following on Page 5 of the October 23, 2001, Final Rejection:

Re claims 12 and 13: Boies does not explicitly disclose the steps of (a) assigning access codes to recipients that are related to recipient's virtual post

office box; (b) delivering access codes to recipients; (c) receiving recipient's name, access code and recipient's intention to change their delivery address; and (d) changing recipient's delivery address upon confirmation of recipient's name and access code. However, in claim 5 thereof, Boies discloses the step of changing recipient's desired delivery address in accordance with recipient's instructions (see claim 5). Of course, **to keep anonymity and privacy** (see the Abstract of Boies), the use of the claimed steps for changing the delivery address would have been within the level of ordinary skill in the art. More specifically, it would have been obvious to (a) assign access codes (e.g., passwords) to recipients that are related to each recipient's virtual post office box to prevent others from accessing unauthorized post office boxes; (b) deliver access codes to recipients to allow each recipient to access his or her post office box for the desired address change; (c) receive recipient's name, access code and recipient's intention to change their delivery address to update the change of the address; and (d) change recipient's delivery address upon confirmation of recipient's name and access code to effect the change of the address.

The Examiner has not cited any art in the context of the claimed invention that shows that it would be obvious to: assign access codes to recipients that are related to recipient's virtual post office box; deliver access codes to recipients; receive recipient's name, access code and recipient's intention to change their delivery address and change recipients delivery address upon conformation of recipients name and access code (claim 12) or confirming recipient's virtual post office box (claim 13).

E. Claims 15-21 have been rejected by the Examiner under 35 U.S.C. §103(a) over Boies et al. (U.S. Patent No. 6,006,200) in view of Allum (U.S. Patent No. 5,420,403).

The Examiner stated the following on Page 6 of the October 23, 2001, Final Rejection:

Re claim 15: Boies does not explicitly disclose the steps of (a) assigning a biometrics to recipients; (b) delivering the biometrics to recipients; (c) receiving recipient's biometrics and recipient's intention to change their delivery address; (d) changing recipient's delivery address upon confirmation of recipient's biometrics. However, in claim 5 thereof, Boies discloses the step of changing recipient's desired delivery address in accordance with recipient's instructions (see claim 5). Of course, **to keep anonymity and privacy** (see the Abstract of Boies), the use of the claimed steps for changing the delivery address would have been within the level of ordinary skill in the art. More specifically, it would have been obvious to (a) assign a biometrics (e.g., finger print) to recipients that are related to each recipient's virtual post office box to prevent others from accessing unauthorized post office boxes; (b) deliver the biometrics to recipients to allow each recipient to access his/her post office box for the desired address change; (c) receive recipient's biometrics and recipient's intention to change their delivery address to update the change of the address; and (d) change recipient's delivery address upon confirmation of recipient's biometrics to effect the change of the address.

The Examiner has not cited any art in the context of the claimed invention that shows that it would be obvious to: assign a biometrics to recipient; deliver the biometrics to recipient; receive recipient's biometrics and recipient's intention to change their delivery address and change recipient's delivery address upon conformation of recipient's biometrics.

F. Claim 22 has been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Boies in view of Allum and further in view of Allen, et al. (U.S. Patent No. 5,422,821).

Allen does disclose a national name and address data base. However, the above references do not disclose or anticipate the steps of verifying in one or

more data bases that recipient's name is listed with recipient's desired delivery address on mail in coded form and human-readable form.

IX PRAYER FOR RELIEF

Appellants respectfully submit that appealed claims 1 and 6-22 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ronald Reichman", written over a horizontal line.

Ronald Reichman
Reg. No. 26,796
Attorney of Record
Telephone (203) 924-3854

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000

X APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

What is claimed is:

1. A method for forwarding mail by a post that is addressed to a recipient at a virtual post office box to be delivered directly to a recipient, said method comprises the steps of:

receiving recipient's name and recipient's desired delivery address;

assigning a virtual post office box ^{as virtual box id} for individual recipients;

relating recipient's virtual post office box with the desired delivery address of the recipients;

delivering to recipients their assigned virtual post office box's identification;

placing virtual post office boxes ^{information} on mail;

reading mail to capture virtual post office box identification, when present;

determining recipient's desired delivery address from virtual post office box identification and recipient's name;

^{2. verifying, manipulating, matching, relating.}
(verifying) in one or more data bases that recipient's name is listed with recipient's desired delivery address; ^{and if the address is not there then}

placing recipient's desired delivery address on mail in coded form and human readable form; and

delivering mail to the desired delivery address of the recipients.

6. The method claimed in claim 1, further including the step of:
changing recipient's desired delivery address in accordance with recipient's instructions.

7. The method claimed in claim 6, wherein in the changing step: recipient specifies the time period in which mail is going to be delivered to the desired delivery address.

8 The method claimed in claim 1, further including the step of:
billing for the number of times recipient's changed their desired delivery address.

9. The method claimed in claim 1, further including the step of:
metering the number of times recipient's desired delivery address was determined.

10. The method claimed in claim 9, further including the step of:
billing for the number of times recipient's desired delivery address was determined.

11. The method claimed in claim 1, wherein recipient's virtual post office box is represented in alphanumeric characters.

12. The method claimed in claim 1, further including the steps of:
assigning access codes to recipients that are related to recipient's virtual post office box;

delivering access codes to recipients;

receiving recipient's name, access code and recipient's intention to change their delivery address;

changing recipients delivery address upon conformation of recipients name and access code.

13. The method claimed in claim 12, further including in the changing step, the steps of:

confirming recipient's virtual post office box.

14. The method claimed in claim 12, wherein in the changing step: recipient specifies the time period in which mail is going to be delivered to the changed delivery address.

15. The method claimed in claim 12, further including in the changing step, the steps of:

assigning a biometrics to recipients;

delivering the biometrics to recipients;

receiving recipient's biometrics and recipient's intention to change their delivery address;

changing recipient's delivery address upon conformation of recipient's biometrics.

16. The method claimed in claim 12, wherein recipient's name, access code and recipient's intention to change their delivery address may be received by telephone.

17. The method claimed in claim 12, wherein recipient's name, access code and recipient's intention to change their delivery address may be received by facsimile.

18. The method claimed in claim 12, wherein recipient's name, access code and recipient's intention to change their delivery address may be received by computer.

19. The method claimed in claim 12, wherein recipient's name, access code and recipient's intention to change their delivery address may be received in person.

20. The method claimed in claim 12, wherein recipient's name, access code and recipient's intention to change their delivery address may be received by mail.

21. The method claimed in claim 12, wherein recipient's access code is encrypted.

22. The method claimed in claim 1, wherein one of the data bases is the National Name and Address Data Base.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In patent application of:

) Attorney Docket No.: E-846

Ronald P. Sansone, et al.

) Group Art Unit: 2161

Serial No.: 09/316,795

) Examiner: H. Sough

Filed: May 21, 1999

) Date: March 8, 2002

Title: **VIRTUAL POST OFFICE BOX**

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TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 CFR 1.192)

Board of Patent Appeals and Interferences
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith in **triplicate** is the **APPEAL BRIEF** in the above-identified patent application with respect to the Notice of Appeal filed on January 22, 2002.

Pursuant to 37 CFR 1.17(c), the fee for filing the Appeal Brief is \$320.00. Please charge Deposit Account No. **16-1885** in the amount of \$320.00 to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. **16-1885**. A duplicate copy of this transmittal is enclosed for use in charging the Deposit Account.

Respectfully submitted,

Ronald Reichman

Reg. No. 26,796

Attorney of Record

Telephone (203) 924-3854

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000

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Signature

March 8, 2002
Date